

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

BRYAN S. BEHRENS, et al.,

Defendants.

8:08-CV-13

ORDER

This matter is before the Court on defendant Bryan S. Behrens' "Motion to Compel" (filing [323](#)). No other party has, as of yet, responded to Behrens' motion. The Court notes that despite the interlocutory notice of appeal (filing [326](#)) filed by Behrens, the Court retains jurisdiction to proceed further with other aspects of the case. See, *Burns v. City of Apple Valley*, 30 Fed. Appx. 670, 670 (8th Cir. 2002); *Janousek v. Doyle*, 313 F.2d 916, 920-21 (8th Cir. 1963); see generally 16 Charles Alan Wright et al., *Federal Practice and Procedure* § 3921.2 (2d ed. 1996 & Supp. 2013).

It would be helpful to the Court for the plaintiff and the receiver to respond to Behrens' motion, and the Court will direct them to do so. On its own motion, pursuant to [Fed. R. Civ. P. 6\(b\)\(1\)\(A\)](#), the Court will direct the plaintiff and the receiver to respond to Behrens' motion on or before July 15, 2013. No other interested parties shall be required to respond, but any who wish to may do so on or before July 15, 2013.

Specifically, the plaintiff and receiver should address, if possible, whether the funds sought by Behrens were paid to the receivership and, if so, the source of the funds and the basis for the receivership's receipt of the funds. The Court is aware that discovery is underway that may be relevant to those matters; should further time be necessary to adequately respond to Behrens' motion, an extension of time to respond may be requested pursuant to [Fed. R. Civ. P. 6\(b\)](#) and [NECivR 6.1](#).

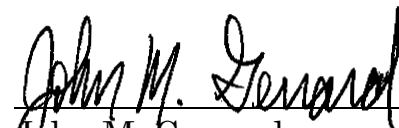
IT IS ORDERED:

1. The plaintiff and the receiver shall respond to Behrens' "Motion to Compel" (filing [323](#)) on or before July 15, 2013.

2. The plaintiff and receiver shall address, in their responses, whether the funds sought by Behrens were paid to the receivership and, if so, the source of the funds and the basis for the receivership's receipt of the funds.
3. Any other interested party wishing to respond to Behrens' motion shall do so on or before July 15, 2013.

Dated this 28th day of June, 2013.

BY THE COURT:



John M. Gerrard
United States District Judge